



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

Chairperson
PAUL KRUPER

Vice Chairperson
JASON POYNER

Commission Members
ROBERT JOHNSON
DR. JASON ROUNTREE
JEREMY KINNEY
TROY COZBEY
MATTHEW BULLIS

Planning & Development
Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA
KINGSBURG PLANNING COMMISSION
MARCH 9, 2017
600 P.M.
KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET

1. **Call to order - Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.**

NEXT RESOLUTION 2017-02

2. **APPROVAL** of the February 9, 2017 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **PUBLIC HEARING – ZONING TEXT AMENDMENT TO ADJUST SETBACK AND HEIGHT LIMITATION/REQUIREMENTS FOR ACCESSORY STRUCTURES WITHIN REAR YARD.**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Gregory Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 1. Decisions regarding Environmental Document
 2. Adopt/Deny/Modify Resolution
5. **PUBLIC HEARING - ZONING ORDINANCE AMENDMENT 2017-02, ADDING CHAPTER 17.85, MINOR DEVIATIONS, TO THE KINGSBURG MUNICIPAL CODE**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Gregory Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion

- G. Close Public Hearing
- H. Possible Actions:
 - 1. Decisions regarding Environmental Document
 - 2. Adopt/Deny/Modify Resolution

6. VARIANCE VAR-2017-01 TO REDUCE THE BACKYARD SETBACK FROM 20 FOOT TO 15 FOOT FOR A GARAGE WITH A SECOND STORY BONUS ROOM. APPLICANT TIFFANY DIX

- A. Presentation by Consulting Planning Director Gregory Collins.
- B. This item is for discussion only

7. FUTURE ITEMS

8. ADJOURN

KINGSBURG PLANNING COMMISSION
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FEBRUARY 9, 2017

Call to order – At 6:05 PM the Kingsburg Planning Commission meeting was called to order.

Commissioners Present – Kinney, Rountree, Poyner, Cozbey, Bullis and Kruper

Commissioners Absent – Johnson

Staff Present – City Manager Alex Henderson, City Attorney Mike Noland, Planning Director Greg Collins, Building Official Mike Koch and Planning Secretary Mary Colby.

Others Present – Dave Stark, Brian Conway, John Gerard, Barbara Winslow, Beverly Jones, Joshua Smith, Don Workman, Betsy Tunnell and Mark Jones.

Commissioner Kruper made a motion, seconded by Commissioner Bullis to amend the agenda and move item #4 Nominations for Chairperson and Vice Chairperson to Item #2. The motion carried by unanimous vote of those Commissioners present.

NOMINATIONS FOR CHAIRPERSON AND VICE CHAIRPERSON.

Commissioner Bullis made a motion, seconded by Jason Poyner, to nominate Commissioner Kruper for Planning Commission Chairperson. The motion carried by unanimous vote of those Commissioners present.

Chairperson Kruper made a motion, seconded by Commissioner Cozbey to nominate Commissioner Poyner for Planning Commission Vice Chairperson. The motion carried by unanimous vote of those Commissioners present.

APPROVAL – Commissioner Kinney made a motion, seconded by Commissioner Cozbey to approve the minutes of the January 12, 2017 meeting as mailed. The motion carried by unanimous vote of those Commissioners present.

PUBLIC COMMENTS – There were no citizens present who wished to comment at this time.

PUBLIC HEARING – CUP-2016-02 MODIFICATION OF CONDITIONAL USE PERMIT CUP-2014-02 ADDING ADDITIONAL BED AND OFFICE SPACE TO THE CRESTWOOD BEHAVIORAL HEALTH FACILITY LOCATED AT 1200 SMITH STREET, APPLICANT CRESTWOOD BEHAVIOR HEALTH.

At 6:12PM the Public Hearing was opened.

Planning Director Greg Collins presented background on this proposal which was heard first in 2014, then presented a power point slide show. He stated that staff is recommending approval subject to the conditions as presented.

Commission Discussion –

- The use will remain the same
- There will be a total of 66 beds when completed, this is maximum capacity
- Increased noticed area from 300 foot which is required to 500 foot

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David Stark who is the Architect for SKW and has been involved in this project from the beginning explained the scope of expansion.

Open for Public Comment at 6:31PM

John Gerard who has lived in Kingsburg for a while stated that while Crestwood has done a beautiful job with the building he does not want this facility located by two elementary schools. Two patients have already walked away and don't want to see this happen again. He stated that he has been opposed to this from the beginning.

Barbara Winslow who is a long time resident of Kingsburg and was employed by the Kingsburg Hospital for 38+ years, stated that she knows the footprint of the hospital building better than most people. She described the progression of uses for the hospital and feels it is difficult to treat patients who are ambulatory as opposed to the original use which is bed ridden patients. She feels that the building is too small to accommodate 66 beds.

Mark Jones who owns a business located near the facility stated that he is in full support of this project and read a letter into the record.

Betsy Tunnel who lives on Road 15 in Kingsburg, stated that she understands there are violations of the original conditions of approval and would like to point them out:

- Incidences of smoking on the site
- Curbs not painted red for no parking
- Project was done in two phases to avoid meeting CEQA requirements
- Providing care to residents other than Fresno County
- No evacuation plan
- There was one probation call for service at the facility, this is against COA #45
- Impact on Fire and Police Service

Patricia Curtin the land use attorney for Crestwood, stated that they are in compliance with all of the conditions of approval.

Patty Blum, Hospital administrator for Crestwood stated that the expansion is needed and that Fresno County purchases or sponsors all of the available beds at this facility.

Brian Conway, administrator for Crestwood addressed some of the issues raised by Ms. Tunnel:

- They do have an evacuation plan, this is a State requirement.
- Of the calls for service at the facility the longest interaction was an employee's stolen car.
- 12 of the employees at the facility live in Kingsburg.

Greg Collins stated there was an issue with the piece meal or phasing of this project, staff has filed an exemption and CEQA stated as long as usage is not changing and remaining a health related facility that notice of exemption stands.

The following questions were raised:

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Q. Is there space for ambulatory patients to move around?

A. There is plenty of room within the sleeping areas and entire facility for people to socialize and relax.

Q. Will there be additional staff and is there adequate parking?

A. There is adequate parking for the expansion and additional staff will be hired.

Q. A report was read regarding altercations that occurred at other similar facilities.

A. These facility were a higher level of psychiatric care than the Kingsburg facility.

Q. What were the circumstances of the two patients who walked away from the facility?

A. One incident involved a malfunction in one of the door locks, this has been resolved.
The other was an assist in getting over the wall.

Q. An incident of smoking on the premises was reported what were the circumstances?

A. An employee was smoking but was informed of the rules.

Neil Dadian, Kingsburg Chief of Police stated the following:

- There were 31 calls for service as of January 31, 2017
- 12 were ambulance calls
- 1 was a community contact call, some of the officers stopped by for a tour of the building.
- 4 calls for 911, Involving patient behavior and misdials.
- 1 vehicle theft, which would happen anywhere in town.
- There was a total of 8 hours' worth of calls for Crestwood the Police Department spends 5 to 10 times that on animal complaints within the City.
- The one probation check was a wrong address given.
- Crestwood has been very cooperative and are a good partner.

Close Public Comment at 7:44PM

Continued Commission Discussion

The Commissioners discussed briefly:

- What was in the 6 month report? Nothing remarkable was reported mostly discussion.
- Do not change condition 47 from the original wording. Leave all as presented.
- Should a designated smoking section be added? Since original CUP was approved without a smoking section Crestwood will need to apply for a change and come back before the Planning Commission.

Close Public Hearing 7:50PM

Commissioner Bullis made a motion, seconded by Commissioner Rountree, to determine that the project is Categorically Exempt in accordance with the California Environmental Quality Act (CEQA) because it is an existing facility that will undergo interior remodeling for an existing mental health rehabilitation center and the project involves negligible or no

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expansion of an existing use. The motion carried by unanimous vote of those Commissioners present.

Commissioner Rountree made a motion, seconded by Commissioner Cozbey to adopt Resolution 2017-01 as presented by the Planning Commission recommending that it make the findings required by Kingsburg Municipal Code Section 17,68.070 and approve the Amendment to Conditional Use Permit 2014-02 subject to conditions in the resolution. The motion carried by unanimous vote of those Commissioners present.

At 7:55PM a 5 minute break was taken

At 8:00PM the Planning Commission was called back to order

STUDY SESSION/DISCUSSION REGARDING CHANGES TO THE KINGSBURG MUNICIPAL CODE ON SETBACKS AND HEIGHT FOR ACCESSORY STRUCTURES IN REAR YARDS.

Planning Director Greg Collins stated the primary issue is how we treat accessory structures in rear yards and gave a background of the issue. He stated that staff needs direction from the commission whether we should we relax the height limitation and allow residents to build accessory structures 10 foot in height but no larger than 120 square feet without a permit. Anything larger than 120 square feet would require a permit and would have to meet the setbacks. Also if the Commission would like to add a Minor Deviations section allowing for relaxation of the setbacks on a case by case basis. Once staff has direction this will return to the Planning Commission with a Public Hearing.

After a lengthy Commission discussion Staff was given the following direction:

- 6" maximum deviation.
- Addition of aesthetics
- RV standard defining what an RV Cover really is.
- Maximum height

FUTURE ITEMS - None discussed

ADJOURN – At 8:33 the Kingsburg Planning Commission meeting was adjourned



Meeting Date: 3/9/17
Agenda Item: 4

PLANNING COMMISSION MEETING STAFF REPORT

ACTION REQUESTED: ___Ordinance ✓Resolution ___Motion ___Receive/File

TO: Kingsburg Planning Commission

FROM: Greg Collins, Planning Director

DATE: March 9, 2017

REVIEWED BY:



SUBJECT: ZONING ORDINANCE AMENDMENT 2017-01, FOR A ZONING ORDINANCE TEXT AMENDMENT TO CHAPTER 28, SECTION 17.28.050, PROPERTY DEVELOPMENT STANDARDS, OF THE KINGSBURG MUNICIPAL CODE

Recommendation:

Pass a resolution amending Chapter 28, Section 17.28.050, of the Kingsburg Municipal Code, modifying regulations pertaining to accessory structures in single-family residential districts. Further, determine that this project is Categorical Exempt in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because it is a government administrative activity that will not result in direct or indirect physical changes in the environment. Subsequent projects will be subject to environmental assessment as required by CEQA.

Discussion:

This proposed Zoning Ordinance Amendment arises out of the recognition of a need for the City of Kingsburg to be responsive to changing building trends in the field of accessory structures (e.g. Tuff Sheds, portable carports, pool houses, etc.).

From time to time persons approach the city building department wishing to erect, install or build an accessory structure in their front, rear or side yards. The Kingsburg Zoning Ordinance (along with the Uniform Building Code) regulates the location, size and processing procedures by which these structures can be installed. The Uniform Building Code states that if a structure has an area of 120 square feet or less, and does not contain any plumbing or electrical improvements, no permit is necessary. Unfortunately, if this structure is higher than 7 feet and it is placed in a side or rear yard setback area it violates Section 17.28.050 of the Zoning Ordinance, which reads as follows:

Rear Yards. The minimum rear yard shall be 10 feet, subject to the following conditions and exceptions:

Accessory structures less than seven feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five feet from a rear property line adjoining an interior lot in an UR, RA, R or RM district.

Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:

Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of [Chapter 17.64](#), except in the street side yard of a corner lot, and provided that any mechanical equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in the UR, RA, or RM district.

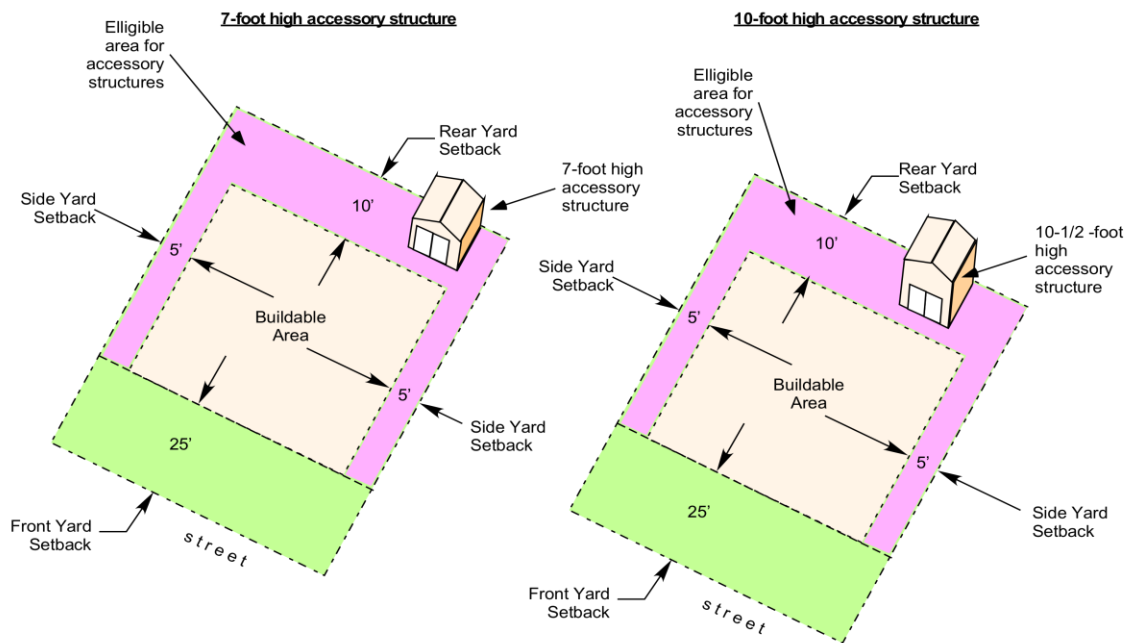
Historically most accessory structures have been less than 7 feet in height; however, with businesses (Home Base, Loews and Tuff Shed) marketing new accessory structure products to the homeowner these buildings have grown in height and size. For example, you can purchase a two-car portable carport that covers your driveway and provides off-street parking, which replaces the stalls in the garage that has been replaced with stored materials. Similarly, you can purchase a Tuff Shed, which can have a height of 10.5 feet or higher and exceed 120 square feet, and place it in your back yard - not a violation of the Zoning Ordinance unless installed in the side or rear yard setback area.

Other cities in the Valley have also had issues with accessory structures - new two-car garages in the rear yard, carport covers for very large motor homes, pool houses, and installation of 40-foot shipping containers (Yes, the type of structure you see on a train or a semi-truck). Any of these structures can be large, and if improperly placed, an eyesore for adjacent neighbors. If the Commission is going to consider a revision of this section of the Zoning Ordinance it may want to also deal with these types of structures also.

Staff has made some recommended revisions to the Property Development Standards section of Kingsburg's R-1 Districts that respond to community comments (on accessory structures) as well as current building trends in other cities in the Valley. The Commission may want to focus on the height of accessory structures. Should the maximum height be 15 feet? Should the height of accessory structures permitted in side and rear yard setbacks be increased in height to 10.5?

The pros and cons of these height changes are obvious. Assuming most folks have a 6 or 7-foot fence along their side and rear yards, the greater the height of the accessory structure one has in their back yard the more potentially intrusive it will be to adjacent neighbors. Further, the closer this accessory structure is to the side or rear fence the more the problem is exacerbated. In conclusion, this matter is really a call the Commission (and eventually the Council) needs to make as it pertains to people's enjoyment of their backyards and what they deem acceptable in terms of accessory structure's height and location.

Paralleling a potential revision Section 17.28.050 of Chapter 28, staff is also suggesting that the Commission consider a new chapter to the Zoning Ordinance - Minor Deviations (see Minor Deviation staff report). This new chapter of the Zoning Ordinance potentially affords building and planning staff the ability to deviate from certain development standards in Kingsburg's residential districts subject to certain findings and conditions.



A minor deviation process could assist building and planning staff to resolve "in field" decisions regarding accessory structures. For example, what if an accessory structure was placed too close to a side, rear or front property line. The minor deviation process would allow building or planning staff to approve these "deviations" in the field rather than spending the city's time and resources attempting to get the "violation" corrected. Obviously, if the violation is significant, city staff is not likely to approve the minor deviation and would call for the correction of the violation, or process the case through the city's variance process.

As to a response to these "in the field" situations some cities have added a minor deviation process to their zoning ordinance. This process can allow a deviation of 10 to 20 percent from certain development standards (mostly setbacks) subject to certain findings by the City Planner or Building Inspector. A proposed Minor Deviation chapter is attached to this report for the Planning Commission's consideration and direction.

Conclusion:

Staff recommends that the Kingsburg Planning Commission recommend approval of Zoning Ordinance Amendment 2017-01 to the Kingsburg City Council, amending Kingsburg Municipal Code Section 17.28.050.

Environmental Review:

Staff determines that the project is categorically exempt in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because it is a government administrative activity that will not result in direct or indirect physical changes in the environment. Subsequent projects will be subject to environmental assessment as required by CEQA.

RECOMMENDED ACTION BY PLANNING COMMISSION

Pass Resolution 2017 -

POLICY ALTERNATIVE(S)

NA

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|----------|
| 1. Is There A Fiscal Impact? | Possible |
| 2. Is it Currently Budgeted? | No |
| 3. If Budgeted, Which Line? | NA |

PRIOR ACTION/REVIEW

Study Session Review

ATTACHMENTS:

Exhibit A - Proposed Amendments to Section 17.28.050 of Kingsburg Zoning Ordinance

Exhibit B - Resolution 2017-01, Amending Section 17.28.050 of the Kingsburg Zoning Ordinance.

Exhibit A

Proposed Amendments to Section 17.28.050 of Chapter 28 of Kingsburg Zoning Ordinance

17.28.050 - Property development standards.

E. Coverage. The maximum site area covered by dwellings and garages shall be forty percent (40%). ~~An additional five percent of site area can be covered by such accessory buildings as patios, gazebos and storage sheds.~~

F. Yard Requirements.

1. Front Yard. The minimum front yard in an R-1-7 and R-1-10 districts shall be twenty (20) feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than fifty (50) feet. The minimum front yard in an R-1-20 district shall be fifty (50) feet, provided that the distance from the centerline of a public street to the rear of the required front yard shall not be less than eighty (80) feet.

Except that: the minimum front yard in an R-1-7 district may be fifteen (15) feet when the garage for the single-family residence on the lot is located at the rear of the single-family residence or is a side-loaded garage. The minimum fifteen (15) foot front yard may only be used for one-third of the single-family residential lots in an R-1-7 single-family residential development, whether or not the development is phased.

On a site situated between sites improved with buildings where said buildings are set back less than a minimum distance required by this section, the minimum front yard shall be the average depth of the front yards on the improved sites immediately adjoining the side lines of the site.

2. Rear Yard. The minimum rear yard shall be ten (10) feet. ~~Accessory and garden structures less than seven feet in height may be located within any portion of a required rear yard. Where construction involves more than one story, including decks, balconies, garden structures, and other related platforms with a floor level over five feet in height, the rear yard shall be increased by ten (10) feet for each additional story, unless the rear yard unless abuts an alley in which case the rear yard setback will remain at ten (10) feet. Accessory structures less than seven feet in height may be located in any portion of a required rear yard, provided that any mechanical equipment shall be located a minimum of five feet from a rear property line adjoining an interior lot in an UR, RA, R or RM district.~~

Where a garage or carport is located within a rear yard with access from an alley, it shall be set back a minimum of eleven (11) feet from the closest alley right-of-way line to provide for adequate garage ingress and egress.

3. Side Yards. The minimum side yard shall be five feet, subject to the following conditions and exceptions:
 - a. On a reversed corner lot, and corner lot, the side yard adjoining the street shall be not less than one-half the required front yard on the adjoining key lot.
 - b. ~~Accessory and garden structures under seven feet in height may be located in any portion of a required side yard, subject to approval under the provisions of [Chapter 17.64](#), except in the street side yard of a corner lot, and provided that any mechanical~~

~~equipment shall be located a minimum of five feet from a side property line adjoining an interior lot in the UR, RA, or RM district.~~

- b. Where construction involves more than one story, the side yard shall be increased by five feet for each additional story provided, however, that the side yard on the street side of a corner lot, that is not a reverse corner lot, need not be greater than ten (10) feet.

K. Accessory Structures. It is the purpose of this section to recognize accessory structures as desirable and beneficial accessory uses, and to provide for such uses under certain circumstances so long as land use compatibility is maintained, privacy of neighbors is protected, minimum open space and area requirements are maintained, and public health, safety, and welfare is preserved.

For purposes of this chapter, garages and permanent carports shall not be considered to be accessory structures. Accessory structures shall conform to all of the following requirements.

1. Accessory structures shall be reviewed and approved by either the Planning Department or Building Department.
2. All accessory structures shall comply with the requirements of the Uniform Building Code as adopted by the City of Kingsburg.
3. An accessory structure may only be constructed on a lot containing a principal structure.
4. Accessory structures and any accessory uses (including surface parking) may not exceed 30 percent of the square footage of the required rear yard.
5. The maximum height for an accessory structure shall be 15 feet.
6. Minimum setbacks for an accessory structure shall be:
 - a. Front yard - same as principal structure
 - b. Rear yard - 10 feet. Zero feet if rear yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.
 - c. Interior side - 5 feet. Zero feet if interior side yard adjoins an alley or the accessory structure is less than 7 or 10.5 feet in height and contains no electrical, plumbing or mechanical improvements.
 - d. Street side - same as principal structure
7. The size of a non-habitable accessory structure shall not exceed 25 percent of the gross square footage of the primary structure (including any attached facilities such as a garage).
8. Accessory structures shall individually be located a minimum of 10 feet from the principal structure and any other accessory structure.
9. Except for guesthouses and second dwelling units, accessory structures shall not be used for dwelling purposes.

10. A non-habitable accessory structure (small shed) less than or equal to 120 square feet in size and intended for storage purposes only may be located within the required rear yard or interior side yard but not in the front yard. The maximum shed height shall be 7 or 10.5 feet.
11. Shipping containers shall not be permitted in any residential district within the City of Kingsburg.
12. Portable carports shall not be permitted in the front or street-side, side yards.

RESOLUTION 2017-

**RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF KINGSBURG RECOMMENDING TO THE KINGSBURG
CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT 2017-01,
CHAPTER 28, SECTION 17.28.050, PROPERTY DEVELOPMENT STANDARDS, OF
THE KINGSBURG MUNICIPAL CODE**

WHEREAS, the Kingsburg Municipal Code Section 2.08.090:E allows the City Manager to initiate an amendment to and recommend an adoption of an ordinance; and

WHEREAS, the Kingsburg City Manager has directed staff to initiate proceedings to amend Section 17.28.050 of the Kingsburg Municipal Code (“Amendment”); and

WHEREAS the public hearing for the Planning Commission’s consideration of the Amendment was properly noticed in accordance with applicable law by posting the notice of public hearing at the City of Kingsburg City Hall Bulletin Board, placing the notice of public hearing on the City of Kingsburg website and publishing the notice of public hearing in The Kingsburg Recorder on February 22, 2017; and

WHEREAS, Zoning Ordinance Amendment 2017-01 is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), and is not considered a project. The Amendment to the Kingsburg Municipal Code is a government administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission adopts this Resolution 2017-__, and recommends to the City Council approval by ordinance, of an Amendment to Kingsburg Municipal Code Section 17.28.050 Property Development Standards as identified in Exhibit “A” to this resolution.

The foregoing resolution was adopted on March 9, 2017 by motion of Commissioner _____, and being duly seconded by Commissioner _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary of the Planning Commission



Meeting Date: 3/9/17
Agenda Item:

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: City Planner, Greg Collins

REVIEWED BY:

AGENDA ITEM: Zoning Ordinance Amendment 2017-02, adding Chapter 17.85, **Minor Deviations**, to the Kingsburg Municipal Code

ACTION REQUESTED: ☐ Ordinance ☒ Resolution ☐ Motion ☐ Receive/File

EXECUTIVE SUMMARY

That the Commission consider a new chapter to the Zoning Ordinance - Minor Deviations. This new chapter of the Zoning Ordinance potentially affords building and planning staff the ability to deviate from certain development standards in Kingsburg's zoning districts subject to certain findings and conditions.

For example, a new building foundation could be constructed too close to a property line because the wrong property line was used when the foundation was set. This setback violation could be a couple of inches or a foot or more. When faced with this "mistake", the building inspector has two choices - 1) tear out the foundation (and move the building), or 2) apply for a variance permit, which costs \$500 and can take up to three months to process.

As to a response to these "in the field" situations some cities have added a minor deviation process to their zoning ordinance. This process can allow a deviation of up to **10 or 20 percent** from certain development standards (mostly setbacks) subject to certain findings by the City Planner or Building Inspector. Some cities permit deviations up to 20 percent from a zoning standard. A proposed Minor Deviation chapter is attached to this report for the Planning Commission's consideration and direction.

A minor deviation process could also assist building and planning staff to resolve "in field" decisions regarding accessory structures. For example, what if an accessory structure was placed too close to a side, rear or front property line. The minor deviation process would allow building or planning staff to approve these "deviations" in the field rather than spending the city's time and resources attempting to get the "violation" corrected. Obviously, if the violation is significant, city staff is not likely to approve the minor deviation and would call for the correction of the violation, or process the case through the city's variance process.

Conclusion:

Staff recommends that the Kingsburg Planning Commission approve a resolution recommending to the Kingsburg City Council approval of an amendment of the Kingsburg Municipal Code adding Section 17.85. **Minor Deviations**.

RECOMMENDED ACTION BY PLANNING COMMISSION

Approval of Resolution 2017 -

POLICY ALTERNATIVE(S)

NA

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|----------|
| 1. Is There A Fiscal Impact? | Possible |
| 2. Is it Currently Budgeted? | No |
| 3. If Budgeted, Which Line? | NA |

PRIOR ACTION/REVIEW

Planning Commission Study Session

ATTACHMENTS:

Exhibit A - Proposed addition of Section 17.85 Minor Deviations to the Kingsburg Zoning Ordinance

Exhibit B - Resolution 2017-, adding Section 17.85 Minor Deviations to the Kingsburg Zoning Ordinance.

Exhibit A

CHAPTER 17.85 - MINOR DEVIATIONS

Sections

17.85.01	Purpose
17.85.02	Applicability
17.85.03	Application and Fee
17.85.04	Report and Findings
17.85.05	Action of the Planning Director/Head Building Official
17.85.06	Conditions

17.85.01 Purpose

The purpose of this chapter is to provide a mechanism whereby the Planning Director/Head Building Official can grant minor deviations from district regulations. A minor deviation may be granted up to **10 or 20 percent** of the district regulations and setback distances. Any minor deviation that exceeds the deviation percentage stated above shall be processed as a variance consistent with the regulations detailed in Chapter 17.84 Variances.

Minor deviations shall only be granted when practical difficulties, unnecessary hardships and conditions inconsistent with the purpose and objectives of this Ordinance may result from the strict application of certain provisions of this Ordinance. The granting of a minor deviation and its associated conditions shall not constitute a special privilege inconsistent with the limitations on other properties in vicinity and in other like districts in Kingsburg.

17.85.02 Applicability

The Planning Director/Head Building Official may grant a minor deviation from district regulations, including setbacks, lot dimensions, height of structures and fences, walls and hedges, lot coverage, parking standards and sign regulations.

17.85.03 Application and Fee

An application for a minor deviation shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.85.04 Report and Findings

The Planning Director/Head Building Official shall prepare a report on the minor deviation application and shall review the following findings with regard to a minor deviation.

- A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and unclear property lines, where the strict application of this Ordinance deprives such property right possessed by other property in the same vicinity or other properties that have the same district classification;
- B. That granting a minor deviation is necessary for the preservation and enjoyment of a substantial

property right possessed by other property in the same vicinity or other properties that have the same district classification;

- C. That granting the minor deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the property is located; and
- D. That granting the minor deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

17.85.05 Action of the Planning Director/Head Building Official

The Planning Director or Head Building Official may process minor deviations as an administrative matter. Following a review of a minor deviation application and the findings listed above, the Planning Director/Head Building Official may take action on the minor deviation. The Planning Director/Head Building Official can approve, approve with conditions or deny the minor deviation based on the findings listed above. Following a decision by the Planning Director/Head Building Official, an administrative agreement, consistent with Chapter 17.64 Uses Permitted by Administrative Approval, shall be prepared that outlines the findings and conditions of the decision. The Planning Commission will be notified of all minor deviations granted by the Planning Director/Head Building Official.

The Planning Director/Head Building Official's decision shall be final unless appealed to the Planning Commission within 10 days of the approval of the minor deviation. The Planning Director shall transmit a copy of the administrative agreement to the person that filed the minor deviation application.

17.85.06 Conditions

The Planning Director/Head Building Official can approve a minor deviation subject to conditions. Conditions will assure that the approved minor deviations shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.

RESOLUTION 2017-

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF KINGSBURG RECOMMENDING TO
THE KINGSBURG CITY COUNCIL APPROVAL OF ZONING ORDINANCE
AMENDMENT 2017-02 TO KINGSBURG MUNICIPAL CODE,
ADDING CHAPTER 17.85, MINOR DEVIATIONS**

WHEREAS, the Kingsburg Municipal Code Section 2.08.090:E allows the City Manager to initiate an amendment to and recommend an adoption of an ordinance; and

WHEREAS, the Kingsburg City Manager has directed staff to initiate proceedings to amend Section 17.28.050 of the Kingsburg Municipal Code (“Amendment”); and

WHEREAS the public hearing for the Planning Commission’s consideration of the Amendment was properly noticed in accordance with applicable law by posting the notice of public hearing at the City of Kingsburg City Hall Bulletin Board, placing the notice of public hearing on the City of Kingsburg website and publishing the notice of public hearing in The Kingsburg Recorder on February 22, 2017; and

WHEREAS, Zoning Ordinance Amendment 2017-02 is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5), and is not considered a project. The Amendment to the Kingsburg Municipal Code is a government administrative activity that will not result in direct or indirect physical changes in the environment.

NOW, THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission adopts this Resolution 2017-__, and recommends to the City Council approval by ordinance of Zoning Ordinance Amendment 2017-02 to Kingsburg Municipal Code Section, adding Chapter 17.85, Minor Deviations, as identified in Exhibit “A” to this resolution.

The foregoing resolution was adopted on March 9, 2017 by motion of Commissioner _____, and being duly seconded by Commissioner _____, was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary of the Planning Commission

Exhibit A

CHAPTER 17.85 - MINOR DEVIATIONS

Sections

17.85.01	Purpose
17.85.02	Applicability
17.85.03	Application and Fee
17.85.04	Report and Findings
17.85.05	Action of the Planning Director/Head Building Official
17.85.06	Conditions

17.85.01 Purpose

The purpose of this chapter is to provide a mechanism whereby the Planning Director/Head Building Official can grant minor deviations from district regulations. A minor deviation may be granted up to **10 or 20 percent** of the district regulations and setback distances. Any minor deviation that exceeds the deviation percentage stated above shall be processed as a variance consistent with the regulations detailed in Chapter 17.84 Variances.

Minor deviations shall only be granted when practical difficulties, unnecessary hardships and conditions inconsistent with the purpose and objectives of this Ordinance may result from the strict application of certain provisions of this Ordinance. The granting of a minor deviation and its associated conditions shall not constitute a special privilege inconsistent with the limitations on other properties in vicinity and in other like districts in Kingsburg.

17.85.02 Applicability

The Planning Director/Head Building Official may grant a minor deviation from district regulations, including setbacks, lot dimensions, height of structures and fences, walls and hedges, lot coverage, parking standards and sign regulations.

17.85.03 Application and Fee

An application for a minor deviation shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

17.85.04 Report and Findings

The Planning Director/Head Building Official shall prepare a report on the minor deviation application and shall review the following findings with regard to a minor deviation.

- A. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, and unclear property lines, where the strict

application of this Ordinance deprives such property right possessed by other property in the same vicinity or other properties that have the same district classification;

- B. That granting a minor deviation is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or other properties that have the same district classification;
- C. That granting the minor deviation will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and district in which the property is located; and
- D. That granting the minor deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the property is located.

17.85.05 Action of the Planning Director/Head Building Official

The Planning Director or Head Building Official may process minor deviations as an administrative matter. Following a review of a minor deviation application and the findings listed above, the Planning Director/Head Building Official may take action on the minor deviation. The Planning Director/Head Building Official can approve, approve with conditions or deny the minor deviation based on the findings listed above. Following a decision by the Planning Director/Head Building Official, an administrative agreement, consistent with Chapter 17.64 Uses Permitted by Administrative Approval, shall be prepared that outlines the findings and conditions of the decision. The Planning Commission will be notified of all minor deviations granted by the Planning Director/Head Building Official.

The Planning Director/Head Building Official's decision shall be final unless appealed to the Planning Commission within 10 days of the approval of the minor deviation. The Planning Director shall transmit a copy of the administrative agreement to the person that filed the minor deviation application.

17.85.06 Conditions

The Planning Director/Head Building Official can approve a minor deviation subject to conditions. Conditions will assure that the approved minor deviations shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which such property is situated.



Meeting Date: 3/9/17
Agenda Item: 6

PLANNING COMMISSION MEETING STAFF REPORT

ACTION REQUESTED: ___Ordinance ___Resolution ___Motion ___Receive/File

TO: Kingsburg Planning Commission

FROM: Greg Collins, Planning Director

DATE: March 9, 2017

REVIEWED BY:

**SUBJECT: REVIEW OF PROPOSED VARIANCE FROM THE REAR YARD SETBACK
DISTANCE FOR A PROPOSED RESIDENCE TO BE CONSTRUCTED AT 2147
STROUD**

Recommendation:

Review the proposed details regarding a proposed 2-story garage that will be constructed at the rear of a lot located at 2147 Stoud Avenue in Kingsburg.

Discussion:

The applicant, Tiffany Dix, wishes to construct a 2-story garage on a lot located at 2147 Stroud Avenue. The proposed garage will front onto an existing alley located at the rear of the lot.

The Kingsburg Zoning Ordinance normally requires a garage that front onto an alley to have a setback distance of 11 feet; however, because the garage is 2-story the Ordinance requires the rear yard setback to double from 10 feet to 20 feet, even though there exists a 16-foot alley behind the proposed garage.

Under the current Zoning Ordinance, the applicant, Dix, is required to apply for a variance. The cost of a variance is \$500 and can take up to two months to process. The proposed amendment to Chapter 28, Section 17.28.050, of the Kingsburg Municipal Code, makes the requirement unnecessary because requiring a 2-story structure to have its rear yard setback doubled from 10 feet to 20 feet would not be required if there exists an alley along the rear yard, which is the case with the Dix property.

Depending upon the Commission's decision on the amendment to Chapter 28, Section 17.28.050, of the Kingsburg Municipal Code, the applicant may be permitted to build the 2-story garage without having to secure a variance.